IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 14093 of 2004

Between:

Challa Mallaiah S/o. China Reddeppa,
Thugadamvaripalle, H/o. Nanjampeta, Somala Mandal,

Chittoor District.

..... PETITIONER

AND

1 The Chief Commissioner of Land Administration, Govt of A.P.,

Hyderabad.
2 The Joint Collector, Chittoor, Chittoor District.
3 The Mandal Revenue Officer, Somala Mandal, Chittoor District.
4 Smt. Lakshmamma W/o. Late Venkata Rayappa,
Thugadamvaripalle, H./o. Nanjampeta, Somala Mandal,

Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus calling for all the connected records including the impugned orders of the 2nd respondent in D.Dis.No.(E3)9407/99 dt. 12.04.2004 and set aside the same as illegal, improper, unjust arbitrary and violative of principles of natural justice and contrary to law.

Counsel for the Petitioner: MR.MAHADEVA KANTHRIGALA

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

The Joint Collector-second respondent by proceedings in D.Dis.No.(E3)9407/99, dated 12-04-2004 dropped further action pursuant to a show cause notice issued to the assignees of land in Sy.No.107-7 admeasuring Ac.1.61 cents of Nanjampet village. The petitioner who claims that he has been in possession and ignoring the same, the assignment was made to the assignees, filed an appeal before the first respondent on 15-07-2004. He also moved an application for stay of proceedings of the Joint Collector. As no orders were passed by the first respondent, he invoked the jurisdiction of this Court seeking a writ of Mandamus declaring orders of the Joint Collector as illegal and arbitrary.

It is axiomatic that when once persons avail statutory remedies, no writ petition would lie (See **Bombay Metropolitan Region Development Authority v. Gokak Patel Volkart**).

Be that as it is, as the petitioner claims that he has been in possession of property for more than three decades, the first respondent may pass orders on the application for stay within one week from the date of receipt of a copy of this order.

The writ petition with the above observations is dismissed.

_____

(V.V.S.RAO, J)

10.08.2004

vs

To

1 The Chief Commissioner of Land Administration, Govt of A.P.,

Hyderabad.
2 The Joint Collector, Chittoor, Chittoor District.
3 The Mandal Revenue Officer, Somala Mandal, Chittoor District.

4 Two CCs to the G.P for Revenue, High Court Buildings,

Hyderabad(O.U.T).

5 Two CD copies.

.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14093 OF 2004

Dated: 10-08-2004